

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method for preparing a rubber modified asphalt, said method comprising the steps of:

- a. combining i) asphalt, ii) crumb rubber ~~or RPVR~~ and iii) at least one dodecyl or tridecylbenzene sulfonic acid; and
- b. heating and/or mixing the components combined in Step A to form a rubber modified asphalt.

2. (Original) A method according to Claim 1 wherein the dodecyl or tridecylbenzene sulfonic acid is linear.

3. (Original) A method according to Claim 1 wherein the dodecyl or tridecylbenzene sulfonic acid is branched.

4. (Currently Amended) A method according to Claim 1 wherein Step B comprises heating the components to at least about 225° F applying moderate heat.

5. (Currently Amended) A method according to Claim 1 wherein the components are heated to a temperature in the range of about 225° F to about 450° F during Step B.

6. (Original) A method according to Claim 5 wherein the temperature during Step B is about 350° F.

7. (Currently Amended) A method according to Claim 1 wherein the ~~in the~~ at least

one dodecyl or tridecylbenzene sulfonic acid comprises dodecylbenzene sulfonic acid DDBSA.

8. (Currently Amended) A method according to Claim 1 wherein Step A comprises initially combining asphalt at least one dodecyl or tridecylbenzene sulfonic acid with heat and/or mixing and then subsequently adding rubber or recycled vulcanized particulate rubber RVPR to the mixture.

9. (Cancelled)

10. (Currently Amended) A method according to Claim 1 [[9]] wherein the crumb rubber will pass through a #9 U.S. series sieve.

11. (Currently Amended) A composition comprised of an asphalt, recycled vulcanized particulate rubber RVPR and at least one dodecyl or tridecylbenzene sulfonic acid (SA).

12. (Currently Amended) A composition according to Claim 11 where, based on weight, the asphalt is from about 65 to about 98 percent, the recycled vulcanized particulate rubber RVPR is from about 1 to about 25 percent, and the at least one dodecyl or tridecylbenzene sulfonic acid SA is from about 1 to about 10 percent.

13. (Currently Amended) A composition according to Claim 11 where the recycled vulcanized particulate rubber RVPR is at least minus 4 mesh.

14. (Currently Amended) A composition according to Claim 11 where the at least one dodecyl or tridecylbenzene sulfonic acid SA is linear or branched a-BAS or a-LAS.

15. (Currently Amended) A composition according to Claim 11 where the at least one dodecyl or tridecylbenzene sulfonic acid (SA) is dodecylbenzene sulfonic acid DDBSA.

16. (Original) A composition according to Claim 11 further comprising aggregate or an aggregate containing composition.

17. (Currently Amended) A method for making rubber modified asphalt cement RMAC comprising combining at least one of (1) asphalt and recycled vulcanized particulate rubber RVPR, or (2) a blended mixture of asphalt and recycled vulcanized particulate rubber RVPR, with at least one dodecyl or tridecylbenzene sulfonic acid (SA) in the presence of moderate heat for an amount of and heated to a temperature of about 225° F to about 450° F for a time sufficient to cause at least one of (1) an increase in hardness (2) an increase in softening point, or (3) an improvement in recovery from deformation, in the resulting admixture of rubber modified asphalt cement RMAC.

18. (Currently Amended) A method according to Claim 17 wherein the at least one dodecyl or tridecylbenzene sulfonic acid SA is linear or branched a BAS or a LAS.

19. (Currently Amended) A method according to Claim 17 wherein the at least one dodecyl or tridecylbenzene sulfonic acid SA is dodecylbenzene sulfonic acid DDBSA.

20. (Currently Amended) A method according to Claim 17 wherein the unblended recycled vulcanized particulate rubber RVPR has a mass of about minus 4 or less.

21. (Currently Amended) A method according to Claim 17 wherein the mixture of asphalt, recycled vulcanized particulate rubber and at least one at least one dodecyl or tridecylbenzene sulfonic acid asphalt-RVPR-SA mixture is heated to a temperature in the range of from at about 225° F to about 450° F. (ca. 107° C. to about 232° C.).

22. (Currently Amended) A method according to Claim 17 wherein the mixture of asphalt, recycled vulcanized particulate rubber and at least one at least one dodecyl or tridecylbenzene sulfonic acid asphalt-RVPR-SA mixture is heated to about 350° F.

23. (Currently Amended) A method according to Claim 17 wherein the mixture of asphalt, recycled vulcanized particulate rubber and at least one at least one dodecyl or tridecylbenzene sulfonic acid asphalt RVPR-SA mixture is heated for about 1 - 2 hours.

24. (Currently Amended) A method according to Claim 17 wherein the mixture of asphalt, recycled vulcanized particulate rubber and at least one at least one dodecyl or tridecylbenzene sulfonic acid asphalt RVPR-SA mixture is stirred while being heated.

25. (Cancelled)

26. (Cancelled)

27. (Cancelled)

28. (Cancelled)